

THE METROHEALTH SYSTEM  
BOARD OF TRUSTEES  
LEGAL & GOVERNMENT RELATIONS COMMITTEE

June 13, 2018

Present: Committee Members: Thomas McDonald, Vanessa Whiting

Other Trustees: Maureen Dee, J. B. Silvers

Staff: Dr. Akram Boutros, Elizabeth Allen, Tracy Carter, Laura McBride,  
Michael Phillips, Jane Platten, Craig Richmond, Dr. Brook Watts

The meeting was called to order at 12:40 p.m. by Ms. Whiting. The minutes are written in a format conforming to the printed meeting agenda for the convenience of correlation, recognizing that some of the items were discussed out of sequence.

I. The minutes of the March 14, 2018, meeting was approved.

II. Consent Items - None

III. Discussion Items

- Government Relations Update

Ms. Carter began her report by updating the Board on the Ohio Department of Medicaid's Notice of Ohio's 1115 Waiver regarding modifying certain conditions to the Medicaid program that will require individuals to work at least 20 hours per week or be involved in some type of community engagement activity. A public comment period is underway for concerned stakeholders to share comments to Ohio's proposal and, in anticipation that Ohio will approve the new work requirement model, MetroHealth is partnering with the Cleveland Clinic, University Hospitals, Cuyahoga County Job and Family Services, and other hospitals and payors to advocate that certain populations be protected or exempt from this work requirement. Discussion ensued, and Dr. Boutros noted depending on how the unemployment rate is determined, whether compared to the average of Ohio versus the average of the nation, certain individuals may or may not qualify for the exemption.

Ms. Carter also reported on the opioid crisis and stated there is strong bipartisan support to determine housing and funding solutions to assist the state and local communities with matters involving education on mental health and opioid prevention, treatment, and research. The House of Representatives Bill 5795 and Senate Bill 1850 are two bills to amend the Public Health Service Act to protect the confidentiality of substance use disorder in patient records and is designed to equip physicians in treating patients by permitting physicians to have complete access to patient's medical records, including the behavioral health background, to better coordinate care and treatment plans that are important from a physician's perspective and a patient's safety perspective.

Lastly, Ms. Carter discussed the 340B Drug Discount Program requiring drug manufacturers participating in Medicaid to provide outpatient drugs to eligible health care organizations at reduced prices. The 30 percent rate cut is in effect now and MetroHealth along with several providers through association with other health systems sued the Centers for Medicare & Medicaid Services (CMS) over the rate cut, noting the matter is being processed through the federal court system. Dr. Boutros noted that this 30 percent Medicare rate cut was incorporated into MetroHealth's budget, with a \$6.5 million impact. Different proposals are being entertained to reform the system.

- Risk Management Report

Ms. McBride's report on Risk Management was reserved for Executive Session.

A motion was unanimously passed by roll call vote to hold an executive session to discuss pending litigation, trade secrets and attorney-client privileged matters.

Following the executive session, the meeting reopened.

IV. Action Items - None

There being no further business, the meeting adjourned at 2:00 p.m.

Respectfully submitted,

Michael Phillips  
Senior Vice President and Chief Legal Officer